

BRIEF IN SUPPORT

On August 8, 2016, RLI filed its Notice of Intent to Enforce Subpoenas and Response to Claims of Undue Burden. ECF Document 71. The Response of Non-Party Mazanec, Raskin and Ryder Co., L.P.A. to Defendant RLI's Notice and Response was filed on August 10, 2016. ECF Document 72.

On August 16, 2016, Magistrate Judge Thomas M. Parker issued an order modifying RLI's subpoena to MR&R; ordering MR&R to submit any log of materials for which protection against production is asserted within five days; and requiring non-privileged items to be produced forthwith. ECF Document 76.

MR&R complied with that order on Monday, August 22, 2016. Because the Objections of Non-Party Mazanec, Raskin and Ryder Co., L.P.A. Regarding Magistrate Judge's Order Issued 6/2/16 (pertaining to work-product protection and settlement privilege) have not yet been resolved, MR&R was required to undertake significant document review and log preparation to comply with the order and respond to the subpoena, even as modified.

MR&R filed its Statement of Costs for Responding to RLI's Subpoena, as Modified ("the Statement of Costs"), on August 26, 2016. ECF Document 77.

MR&R respectfully submits that the time spent in responding to RLI's subpoena as stated in the Statement of Costs is reasonable and would otherwise have been devoted to billable activities, and that the other costs would not have been incurred except for the subpoena having been issued.

Rule 45(d)(3)(A)(iv) of the Federal Rules of Civil Procedure requires that a person complying with a subpoena not be subjected to undue burden. It is respectfully submitted that, to

avoid MR&R being subjected to undue burden, the Court should issue an order requiring RLI to reimburse MR&R for the costs in the Statement of Costs.

Respectfully submitted,

MAZANEC, RASKIN & RYDER CO., L.P.A.

s/Todd M. Raskin

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